

Amendment No. 1 to HB0960

Coleman  
Signature of Sponsor

**AMEND Senate Bill No. 1518**

**House Bill No. 960\***

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-1311, is amended by deleting subsection (a) and substituting instead the following:

(a)

(1) It is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, as defined in § 39-11-106, not used solely for instructional, display or sanctioned ceremonial purposes, in or on the grounds of any public civic center or other building facility, area or property owned, used or operated by any municipal, county or state government, or instrumentality thereof, for recreational purposes.

(2) The provisions of this section shall not apply to carrying a firearm in a public park owned or operated by any municipal or county government, or instrumentality thereof. Carrying firearms in county or municipal parks shall be governed by § 39-11-1313.

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 17, Part 13, is amended by adding the following new section:

Section 39-17-1313.

(a) Except as provided in this section, it is an offense for any person to possess or carry, whether openly or concealed, with the intent to go armed, any firearm, as defined in § 39-11-106, not used solely for instructional, display or sanctioned ceremonial purposes, in or on the grounds of any public park, owned or operated by any municipal or county government, or instrumentality thereof, for recreational purposes.

(b)

(1) The provisions of subsection (a) shall not apply to the following persons:

(A) Persons employed in the army, air force, navy, coast guard or marine service of the United States or any member of the Tennessee national guard when in discharge of their official duties and acting under orders requiring them to carry arms or weapons;

(B) Civil officers of the United States in the discharge of their official duties;

(C) Officers and soldiers of the militia and the national guard when called into actual service;

(D) Officers of the state, or of any county, city or town, charged with the enforcement of the laws of the state, in the discharge of their official duties;

(E) Any pupils who are members of the reserve officers training corps or pupils enrolled in a course of instruction or members of a club or team, and who are required to carry arms or weapons in the discharge of their official class or team duties;

(F) Any private police employed by the municipality, county, state or instrumentality thereof in the discharge of their duties; and

(G) Also, only to the extent a person strictly conforms the person's behavior to the requirements of one (1) of the following classifications:

(i) A person hunting during the lawful hunting season on lands owned or operated by any county or municipality thereof and designated as open to hunting by law or by the appropriate official;

(ii) A person possessing unloaded hunting weapons while transversing the grounds of any county or municipal park building

or property for the purpose of gaining access to public or private lands open to hunting with the intent to hunt on the public or private lands unless the park building or property is posted prohibiting entry;

(iii) A person possessing guns or knives when conducting or attending “gun and knife shows” when the program has been approved by the administrator of the recreational building or property;

(iv) A person entering the property for the sole purpose of delivering or picking up passengers and who does not remove any firearm from the vehicle or utilize it in any manner;

(v) A person who possesses or carries a firearm for the purpose of sport or target shooting and sport or target shooting is permitted in the park; or

(H) A registered security guard/officer, who meets the requirements of title 62, chapter 35, while in the performance of the officer's duties;

(2) At any time the person's behavior no longer strictly conforms to one (1) of the classifications in subdivision (b)(1), the person shall be subject to the provisions of subsection (a).

(3) By a majority vote of its legislative body, any municipality or county may elect to permit persons authorized to carry a handgun pursuant to § 39-17-1351, to carry such handgun while within the boundaries of any park located in this state that is owned or operated by such municipal or county government, or instrumentality thereof. The legislative body may designate that all of its local parks come within the provisions of this subdivision, that only specified local parks be included, or that only certain designated areas within local parks come within this subdivision. If a local park is jointly owned or operated by

municipalities or counties, then a majority vote of all affected legislative bodies, voting individually, is necessary for such municipalities or counties to allow persons authorized to carry a handgun pursuant to § 39-17-1351, to carry such handgun while within the boundaries of any such jointly owned or operated park.

(c)

(1) If the county or municipality elects to prohibit persons authorized to carry a handgun pursuant to § 39-17-1351, from carrying such handgun while within the boundaries of all parks or any park, it may display in prominent locations the sign authorized by § 39-17-1311(c)(1), to give notice that handguns are not permitted in all or any such park.

(2) If the county or municipality elects to prohibit persons authorized to carry a handgun pursuant to § 39-17-1351, from carrying such handgun while within the boundaries of a specified portion of a park, it shall display in prominent locations the sign authorized by § 39-17-1311(c)(1), to give notice that handguns are not permitted in a specified park or portion of a park.

(3)

(A) As used in this subsection (c)(1), “prominent locations” includes, but is not limited to, all entrances to the park, any building or structure located on the park, such as restrooms, picnic areas, sports facilities, welcome centers, gift shops, playgrounds, swimming pools, restaurants and parking lots.

(B) As used in this subsection (c)(2), “prominent locations” mean a sufficient number of locations immediately surrounding the specified area or areas where firearms are prohibited to put a reasonable person on notice that firearms are prohibited in the posted portion of the park.

(4) The legislative body of any municipality or committee appointed by the body to regulate public parks may exempt county or municipal parks located

within its jurisdiction from the requirements of subdivision (c)(1) but may not exempt the county or municipality from the requirements of subdivision (c)(2).

(d) Carrying a firearm in a county or municipal park in violation of this section is a Class A misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 39-17-1314, is amended by deleting the first sentence of subsection (a) and substituting instead the following:

Except as provided in § 39-17-1313, and for the sole purpose of permitting counties and municipalities to allow or prohibit the possession of firearms in local parks, no city, county, or metropolitan government shall occupy any part of the field of regulation of the transfer, ownership, possession or transportation of firearms, ammunition or components of firearms or combinations thereof; provided, that the provisions of this section shall be prospective only and shall not affect the validity of any ordinance or resolution lawfully enacted before April 8, 1986.

SECTION 4. For purposes of permitting counties or municipalities to elect to come within the provisions of § 39-17-1311(b)(3), this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes, this act shall take effect July 1, 2009, the public welfare requiring it.